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REMARKS/ARGUMENTS

The following remarks are made in response to the final action dated October 31, 2002.

The Examiner had rejected claims 1, 2 and 4 as being unpatentable under 35 U.S.C. 103(a) over Humphries et al, Moderi et al and Mahoney et al. Applicant respectfully traverses this rejection.

While Humphries describes a controller for controlling the operation of a security system, Humphries' controller does not provide for a touch sensitive screen, nor is one able to touch a portion of the screen having the component of the security system thereon. In addition, there is no teaching or suggestion of providing for selection and display of user selectable information provided by an external data access provider.

Moderi describes a point of sale register system for entering and tabulating customer orders where the point of sale registers are provided with a touch screen having a plurality of keys, each being associated with a label of a saleable item or category of saleable items. This point of sale system is also provided with an access control system whereby users of the system have to sign in utilizing a swipe card and/or password entry system. There is no teaching however, of utilizing the touch sensitive screen of Moderi in a security system, nor is there any teaching which would have led one of skill in the art to substitute the controller of Humphries with the touch sensitive point of sale register of Moderi. Also, once again, there is no teaching or suggestion of providing for selection and display of user selectable information provided by an external data access provider.

Mahoney et al describes a corporation information delivery system having databases storing research reports produced by and received electronically from brokerage firms. A user may connect to the databases through a webserver accessible via the internet. As the user has access to the internet, the user would also have access to other types of information, such as news reports, press releases, weather reports, sports and news. However, as set out in Mahoney et al, in column 6, beginning on line

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24, each user has a user computer, such as a personal computer with an Intel Pentium processor and a fast modem that the user can use to connect to the internet. This is described also in column 11, beginning in line 41. It is respectfully submitted that the teaching of Mahoney et al would not lead one of skill in the art to provide for a capability of a controller for a home security system to access an external data access provider to allow the controller to display information not related to the operation of the security system selected by the user of the security system. There is no teaching in the combination of Humphries et al, Moderi et al and Mahoney et al which would lead one of skill in the art to this controller.

The Examiner correctly states that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention, where there is some teaching suggestion or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. However, it is respectfully submitted that in this case, the Examiner has incorrectly combined the teachings of the prior art, as there is no teaching suggestion or motivation to do so in the cited art and it is respectfully submitted that one of skill in the art would not have been led to combine the references in the manner suggested by the Examiner, as it would not have been obvious to such a person that the technologies could be combined. As set out by the Court of Appeals Federal Circuit *In re Fine*, cited by the Examiner, 5 USPQ2d, 1596, at 1599.

"Obviousness is determined by "what the combined teachings of the references would have suggested to those of ordinary skill in the art". *In re Keller*, 208 USPQ 871, 881. Obviousness "cannot be established by combining the teaching of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination" and "teachings of references can be combined only if there is some suggestion or incentive to do so." *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 221 USPQ 929, 933.

"To imbue one of ordinary skill in the art with the knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the

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insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." *W.L. Gore & Assoc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 312 (Fed. Cir. 1983).

"In order to establish obviousness, it is necessary for the examiner to present *evidence*, preferably in the form of some teaching, suggestion, incentive or inference in the applied prior art, or in the form of generally available knowledge, that one having ordinary skill in the art *would have been led* to combine the relevant teachings of the applied references in the proposed manner to arrive at the claimed invention." *Ex parte Levensgood*, 28 USPQ2d 1300, 1301.

"The question is not whether a patentable distinction is created by viewing a prior art apparatus from one direction and a claimed apparatus from another, but, rather, whether it would have been obvious from a fair reading of the prior art reference as a whole to turn the prior art apparatus upside down. French teaches a liquid strainer which relies, at least in part, upon the assistance of gravity to separate undesired dirt and water from gasoline and other light oils. Therefore, it is not seen that French would have provided any motivation to one of ordinary skill in the art to employ the French apparatus in an upside down orientation. The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." *In re Gordon*, 221 USPQ 1125, 1127.

"In this case, however, the only suggestion for the examiner's combination of the isolated teachings of the applied references improperly stems from appellant's disclosure and not from the prior art. *In re Ehrreich*, 590 F.2d 902, 200 USPQ 504 (CCPA 1979). At best, the examiner's comments regarding obviousness amount to an assertion that one of ordinary skill in the relevant art would have been able to arrive at the appellant's invention because he had the necessary skills to carry out the requisite process steps. This is an inappropriate

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standard for obviousness. See *Orthokinetics Inc. v. Safety Travel Chairs Inc.*, 806 F.2d 1565, 1 USPQ2d 1081 (Fed. Cir. 1986). That which is within the capabilities of one skilled in the art is not synonymous with obviousness. *Ex parte Gerlach*, 212 USPQ 471 (Bd.App. 1980). See also footnote 16 of *Panduit Corp. v. Dennison Mfg. Co.*, 774 F.2d 1082, 1092, 227 USPQ 337, 343 (Fed. Cir. 1985). That one can *reconstruct* and/or explain the theoretical mechanism of an invention by means of logic and sound scientific reasoning does not afford the basis for an obviousness conclusion unless that logic and reasoning also supplies sufficient impetus to have led one of ordinary skill in the art to combine the teachings of the references to make the claimed invention. ... Accordingly, an examiner cannot establish obviousness by locating references which describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done." *Ex parte Levengood*, 28 USPQ2d 1300, 1301.

It is respectfully submitted that in this situation, while the individual features of the present invention may have been known, there is no teaching in the prior art such that at the date of the invention, one of skill in the art would have been led to combine these features to arrive at the invention as described and claimed in the present application. There is no teaching in the prior art which would have led one of skill in the art to provide a controller for a security system with the capability of selecting and displaying user selectable information not related to the operation of the security system and provided by an external data access provider. As recognized by the Examiner, the provision of this information makes the controller of the present invention a multi-functional device enhancing its usefulness. However, there is no teaching or suggestion in the prior art which would have led one of ordinary skill in the art to provide such a feature to a security system controller. The mere statement by the Examiner that it would have been obvious to one of ordinary skill in the art to provide this feature, does not satisfy the requirements as set by the Court that one should not use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to arrive at the claimed invention, absent the teaching or suggestion supporting the combination. It is respectfully submitted that in the present circumstance, the Examiner

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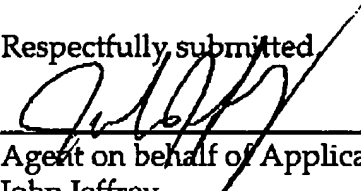
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has not provided any support or explanation for the combination as suggested. In fact, it is respectfully submitted that such teaching or suggestion of combining the references in the manner described by the Examiner, cannot be found.

CONCLUSION

Accordingly, in view of all the foregoing, it is respectfully submitted that the claims of the application define a patentable invention over the cited art.

Respectfully submitted



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